

FILED

JUN 30 2016

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

KERMIT POULSON

Petitioner,

vs.

TOBIN FRIZZEL, TOM WILSON, M.
MULCAHY, RUSS DANAHER, and
JESSICA CONNELL,

Respondents.

CV 16-32-H-DLC-JTJ

ORDER

United States Magistrate Judge John T. Johnston entered findings and recommendations in this case on May 20, 2016, recommending that Petitioner Kermit Poulson's ("Poulson") petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, be denied for lack of jurisdiction and for failing to exhaust state judicial remedies. Poulson did not object to the findings and recommendations, and so waived the right to *de novo* review of the record. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a

mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

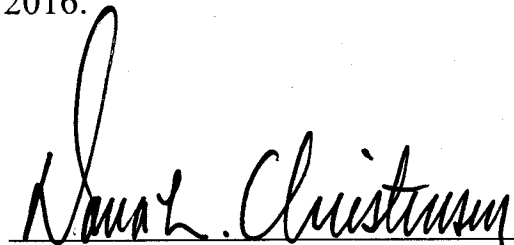
Having reviewed the findings and recommendations, the Court finds no clear error in Judge Johnston’s conclusions that “Poulson failed to establish a nexus between the claims he raises and his purported unlawful custody,” (Doc. 2 at 3 (citing *Dickerson v. United States*, 530 U.S. 428, 439 n. 3 (2000))), and that he has not exhausted the claims in his petition through available state judicial remedies.

Accordingly, IT IS ORDERED that Judge Johnston’s findings and recommendations (Doc. 2) are ADOPTED IN FULL. Poulson’s habeas petition (Doc. 1) is DENIED and DISMISSED for lack of jurisdiction.

IT IS FURTHER ORDERED that the Clerk of Court shall enter, by separate document, a judgment of dismissal.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED.

DATED this 30th day of June, 2016.

A handwritten signature in black ink, appearing to read "Dana L. Christensen", written over a horizontal line.

Dana L. Christensen, Chief Judge
United States District Court